

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW MAXWELL,)
DAVID GRAVELY, TALINA MCELHANY,)
KELLY HAMPTON, CASEY BROWN,)
JASON BONNER, KEVIN TULLOS,)
ANTHONY DODD, ILENE MEYERS,)
TOM O'HAYER, JOY BIBLES, DON)
LOCCHI and MELISSA PASTOR,)
Individually and on behalf of)
all others similarly situated;)

Plaintiffs)

vs.)

2:08-cv-422-TJW)

TYLER TECHNOLOGIES, INC., and)
EDP ENTERPRISES, INC.)

Defendants.)

DEPOSITION OF
CHRISTOPHER HEPBURN
PORTLAND, MAINE
AUGUST 18, 2010

ATKINSON-BAKER, INC.

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REPORTED BY: Cheryl C. Pieske, RMR

FILE NO.: A40636E

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13 all others similarly situated;)

14 Plaintiff,)

15 vs.) 2:08-cv-422 TJW

16 TYLER TECHNOLOGIES, INC., and,)

17 EDP ENTERPRISES, INC.,)

18 Defendants.)

19 -----

20
21 Deposition of CHRISTOPHER HEPBURN, taken on
22 behalf of Plaintiff, at Congress Street, Portland, Maine,
23 commencing at 8:32 a.m., Wednesday, August 18, 2010, before
24 Cheryl C. Pieske, RMR, Court Reporter and Notary
25 Public.

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I N D E X

DEPONENT: CHRISTOPHER HEPBURN

EXAMINATION

PAGE

By Ms. Ray

7

EXHIBITS

NUMBER

DESCRIPTION

PAGE

1 Notice of Oral and Video Deposition

9

1 08:49:15 you an implementation specialist?

2 08:49:22 A. You're testing my memory. That's a difficult

3 08:49:26 question to answer. When I started, the support

4 08:49:29 specialist and implementation specialist roles were

5 08:49:32 really combined. So I would say 2 years.

6 08:49:34 Q. Okay. Was that before Tyler Technologies

7 08:49:38 purchased the division you were working in or after?

8 08:49:41 A. Before.

9 08:49:41 Q. Before. Was that also MUNIS?

10 08:49:44 A. Yes.

11 08:49:48 Q. And when you became vice-president of services

12 08:49:51 in MUNIS, was that before or after Tyler Technologies

13 08:49:54 purchased your division?

14 08:50:01 A. Did you say vice-president of services?

15 08:50:04 Q. I think I did, and I may have written it down

16 08:50:07 incorrectly and I apologize.

17 08:50:08 A. That's okay. I believe that was after Tyler

18 08:50:11 had acquired us.

19 08:50:12 Q. Okay. Do you recall the date when Tyler

20 08:50:15 acquired MUNIS?

21 08:50:17 A. Not the specific date. On or around 1999, in

22 08:50:22 1999.

23 08:50:22 Q. Right. And that's fine. And when did you

24 08:50:26 become president of Schools?

25 08:50:28 A. January of this year.

1 08:50:31 Q. Okay. Now, I'm going to go back just a little
2 08:50:43 bit. You said -- to the documents that you reviewed, the
3 08:50:47 job descriptions, the evaluations, the time sheets, and
4 08:50:49 the notice. Why did you review those particular
5 08:50:54 documents?

6 08:50:54 A. They were presented by Paulo, and I was asked
7 08:51:02 to review them to prepare for today.

8 08:51:06 Q. Okay. Did you review any documents on your own
9 08:51:10 to help you prepare for this deposition today?

10 08:51:13 A. No.

11 08:51:15 Q. Okay. When you were an implementation
12 08:51:27 specialist and support specialist, how were those two
13 08:51:29 jobs combined? What were the duties of them?

14 08:51:32 A. In a small company, which we were, when I was
15 08:51:40 not answering phones as a support specialist, I would go
16 08:51:45 on site to clients to perform implementation services.

17 08:51:52 Q. Okay. And what were the implementation
18 08:51:54 services you performed?

19 08:51:55 A. It would be a very long list. I'll try to
20 08:52:04 summarize the highlights.

21 08:52:05 Q. Sure.

22 08:52:06 A. Analyze their -- their current business
23 08:52:11 practices, determine any changes to business practices,
24 08:52:21 configure software to adhere to those changing business
25 08:52:26 practices, review configuration with client, receive

1 08:52:35 client acceptance, review conversion files, load
2 08:52:48 conversion files, educate senior staff and user staff on
3 08:53:05 application, assist with go-live transition, assist with
4 08:53:10 post go-live support, and those are very high level. I'm
5 08:53:15 not encompassing all.

6 08:53:17 Q. Would you say those were the primary duties?
7 08:53:19 A. The primary ones I can recall.

8 08:53:24 Q. Okay. And what did you have to do when you
9 08:53:35 were analyzing current business practices of a customer?

10 08:53:37 A. A lot of question and answer, interviewing,
11 08:53:46 why -- learning why they do -- why they do what they do
12 08:53:51 in the order that they do things, what changes they would
13 08:53:55 like to make. In summary, a lot of interviewing.

14 08:53:58 Q. And what is the purpose of that interviewing?
15 08:54:01 I know it's to find out what they're doing, but I
16 08:54:04 understand the surface purpose. But what was the purpose
17 08:54:06 for you as an implementation specialist?

18 08:54:12 A. Primarily to see if there were any business
19 08:54:14 changes that the client would like to undertake.

20 08:54:16 Q. Okay. And what software module were you
21 08:54:22 implementing?

22 08:54:23 A. MUNIS.

23 08:54:23 Q. Okay. And was it -- what particular part of
24 08:54:28 MUNIS? Anything specific?

25 08:54:30 A. All.

1 08:54:31 Q. All of it?

2 08:54:31 A. (Nodding.)

3 08:54:32 Q. Okay. Did you have a list of questions that

4 08:54:37 you asked all the customers or a basic list that you went

5 08:54:42 from?

6 08:54:42 A. No. I would say it was very dynamic.

7 08:54:46 Q. Uh-hmm. How so?

8 08:54:48 A. There was no pre-determined list of questions

9 08:54:55 that I was given or we had at the time.

10 08:54:57 Q. What was your purpose in asking these

11 08:55:04 particular questions? And I know we've talked about to

12 08:55:07 see if there were any business changes they wanted to

13 08:55:09 make, but how was that important to you if there was a

14 08:55:11 business change that the customer wanted to make?

15 08:55:13 A. I'll provide an example. Would that be --

16 08:55:17 Q. Sure.

17 08:55:18 A. -- that be okay? We'll take accounts payable.

18 08:55:25 They have a choice whether they would like to centralize

19 08:55:30 accounts payable functions or decentralize accounts

20 08:55:34 payable functions. That one decision impacts software

21 08:55:37 configuration and subsequent education.

22 08:55:46 Q. Okay. And would you tell the client which one

23 08:55:52 they should do?

24 08:55:53 A. No. My role was to explain the differences,

25 08:56:00 the pros of one, cons of one, pros of other, cons of

1 08:56:04 other. Ultimately, it's their decision. My role would
2 08:56:07 be to offer --
3 08:56:10 Q. Options.
4 08:56:11 A. -- options and the detailed analysis of those
5 08:56:15 options but not a recommendation.
6 08:56:17 Q. And when you say the detailed analysis, you're
7 08:56:19 referring to the particular effects each option would
8 08:56:24 have in terms of how they functioned; is that correct?
9 08:56:27 A. That -- correct.
10 08:56:32 Q. In other words, if it's centralized, you're
11 08:56:34 going to go through these particular steps to do things;
12 08:56:40 and if it's decentralized, you're going to go through
13 08:56:42 these particular steps to do things. Is that right?
14 08:56:45 A. Correct. Correct, steps and who authorizes
15 08:56:52 data, who enters data, at what points does data get
16 08:56:57 authorized, and again who has the authorization to bless
17 08:57:04 data. We're talking about checks going out to vendors.
18 08:57:06 Q. All right. When you're talking about
19 08:57:08 authorization, do you tell the client who should be
20 08:57:11 authorized to have access to certain information?
21 08:57:14 A. Again, no. It wouldn't be my place to tell
22 08:57:19 them who should have authorization; just simply an
23 08:57:22 authorization point needs to be made, who do they want to
24 08:57:26 denote as that individual.
25 08:57:28 Q. Okay. Is there anything else about analyzing

1 08:57:32 their current business practices that you used to do as
2 08:57:36 an implementation specialist and support specialist --
3 08:57:39 actually, we're just talking about the implementation
4 08:57:41 role --
5 08:57:41 A. Uh-hmm.
6 08:57:42 Q. -- that we haven't talked about.
7 08:57:44 MR. McKEEBY: Go ahead, if you understand.
8 08:57:50 A. The example I gave was one of --
9 08:58:00 BY MS. RAY:
10 08:58:00 Q. Many?
11 08:58:00 A. -- hundreds.
12 08:58:01 Q. Yeah.
13 08:58:02 A. But I think it provides a good illustration of
14 08:58:06 a specific question. There's no specific answer.
15 08:58:10 There's no clear-cut you will do this. It's presenting a
16 08:58:17 question, presenting the different options of the
17 08:58:19 question, gathering that information and then having the
18 08:58:25 connection of how that impacts the software
19 08:58:27 configuration.
20 08:58:28 Q. All right. And I think -- if I understand you
21 08:58:30 correctly, that with the exception of the many other
22 08:58:34 examples that you could provide as to how that worked,
23 08:58:36 we've discussed everything that you would have to have
24 08:58:40 done when you analyze the current business practices of a
25 08:58:44 customer?

1 08:58:47 A. I wouldn't say that. That is -- questions and
2 08:58:51 answers are one example. There could be others, off the
3 08:58:54 top of my head, of what I had conducted.
4 08:58:57 Q. Okay. Like what?
5 08:58:58 A. Another example would be their banking. Did
6 08:59:07 they want positive pay, did I have to contact the bank,
7 08:59:11 obtain bank files. So that would be something that I
8 08:59:14 would have done on behalf of the client, but it wouldn't
9 08:59:17 be a question-and-answer session --
10 08:59:18 Q. Uh-hmm.
11 08:59:19 A. -- in that type of analysis.
12 08:59:21 Q. Was that part of your normal duties, or was
13 08:59:23 that something that was -- just came up on occasion?
14 08:59:26 MR. McKEEBY: Object to the form of the question.
15 08:59:32 You can answer.
16 08:59:33 A. Every single client is different. Every single
17 08:59:38 implementation is different. There is no -- there is no
18 08:59:42 cookie cutter approach. So it's hard for me to answer
19 08:59:45 that because at Client A, I may have dealt with the
20 08:59:50 banking items. At Client B I may not have. So it's -- I
21 08:59:57 think the example is just that. It's an example but not
22 09:00:01 meant to imply that that's -- that there was a set -- a
23 09:00:08 set model that was repeatable.
24 09:00:11 Q. There would be things that would come up
25 09:00:13 repetitively though, correct?

1 09:00:14 A. Certainly.

2 09:00:18 Q. What types of things would come up

3 09:00:20 repetitively?

4 09:00:20 A. In a financial application and payroll

5 09:00:30 application and tax and utilities, which is what MUNIS

6 09:00:34 is, you would have a chart of accounts, you would have

7 09:00:38 vendors, you would have employees, you would have

8 09:00:40 customers that you were going to bill. You'd have those

9 09:00:44 repetitive situations that you would need to establish in

10 09:00:49 the software.

11 09:00:49 Q. And the software didn't change, correct, unless

12 09:00:53 there was a new version or, you know, something like that

13 09:00:56 happened?

14 09:00:56 A. I would say it changed a lot.

15 09:00:58 Q. Okay. How did it change?

16 09:00:59 A. There are -- the developers are showing up to

17 09:01:06 work every day. They're constantly changing the

18 09:01:09 software. That's their job. So I would expect at client

19 09:01:14 A to work with a version of software that was different

20 09:01:17 from client B.

21 09:01:17 Q. Uh-hmm.

22 09:01:18 A. I guess I was just -- just used to that.

23 09:01:21 Q. And the versions that would come in and change,

24 09:01:24 would they be updates?

25 09:01:25 A. You could have two paths. An update is

1 09:01:32 something that I would consider be given to every client,
2 09:01:36 and then there's another path which is you could be
3 09:01:38 working with a client that is receiving custom software
4 09:01:43 modifications.

5 09:01:43 Q. And I'm going to get back to that in a minute.
6 09:01:48 Is there anything else that you can think of that you
7 09:01:51 would do when you were analyzing current business
8 09:01:54 practices?

9 09:02:00 A. Off the top of my head, I think that's the
10 09:02:02 major predominant items that I performed.

11 09:02:06 Q. Now, the next thing you said that you would do
12 09:02:08 is determine changes in their business practice. Is that
13 09:02:13 kind of really along the lines of what we've already
14 09:02:16 discussed, or is there something different to that?

15 09:02:18 A. I don't -- I don't believe I would determine
16 09:02:26 the changes. My role was to ask questions to see if the
17 09:02:31 client wanted to change their business practices.

18 09:02:34 Q. Okay. So, once again, that's really kind of
19 09:02:38 talking about what we have already talked about in the
20 09:02:41 analyzing the current business practices, correct? It's
21 09:02:44 not like something totally different?

22 09:02:46 A. It's a part of that process.

23 09:02:48 Q. Right. Okay. I just want to make sure I
24 09:02:50 understood.

25 09:02:51 A. Okay.

1 09:02:51 Q. There is nothing else that we haven't discussed
2 09:02:53 that goes into determining the changes in the business
3 09:02:56 practice within the confines of what we already
4 09:03:04 discussed?
5 09:03:04 A. My hesitation is there -- there could be other
6 09:03:16 items that I'm just not recalling right now.
7 09:03:18 Q. Okay.
8 09:03:19 A. I don't want to imply that it's a finite or
9 09:03:23 it's a black-and-white list or it's follow checklist 1
10 09:03:27 through 10. It's anything but follow checklist 1 through
11 09:03:30 10.
12 09:03:30 Q. If you recall something different, would you
13 09:03:32 please notify your attorney so that he could let us know?
14 09:03:36 A. Yes, I will.
15 09:03:37 MR. McKEEBY: Or if something triggers your
16 09:03:39 recollection during the day, we can take a break --
17 09:03:41 MS. RAY: Absolutely.
18 09:03:42 MR. McKEEBY: -- and we can come back to that point.
19 09:03:43 BY MS. RAY:
20 09:03:43 Q. The next thing you talked about was configuring
21 09:03:46 software to adhere to the client's practices. Can you
22 09:03:52 tell me what you did to configure the software to adhere
23 09:03:55 to the client's practices?
24 09:03:56 A. I will use the -- I will continue with the
25 09:04:00 example of accounts payable. If a client during the

1 09:04:06 question-and-answer session stated that they historically
2 09:04:11 have always run accounts payable invoice out of a central
3 09:04:17 accounts payable office at town or city hall and they
4 09:04:20 find that to be inefficient and they'd like to
5 09:04:23 decentralize that process, then that answer would lead me
6 09:04:30 down a path of having to ask who at each department would
7 09:04:37 be entering those invoices, set those users up in the
8 09:04:40 system, set the department codes up in the system so that
9 09:04:45 user A is in department 1, user B is in department 2; and
10 09:04:51 then the data that's entered at the user's would have to
11 09:04:56 funnel to an appropriate person within the central. It
12 09:04:59 could be more than one person. So then I would have to
13 09:05:02 configure work flow to say that if departments 1, 2, 3
14 09:05:07 would go to one person in central accounts payable, and
15 09:05:12 departments 4, 5, 6 would go to another. I would have to
16 09:05:15 train them and make sure they understood that when it was
17 09:05:19 their turn to review and approve those invoices, what
18 09:05:23 they did, and that training would be completely different
19 09:05:29 if the next client said, well, we would just as soon keep
20 09:05:33 it as a central accounts payable function. Then there
21 09:05:38 wouldn't be a departmental need. There wouldn't be the
22 09:05:41 work flow need. But then I would need to educate the
23 09:05:44 departmental folks on how to enter an invoice and how to
24 09:05:47 approve it, et cetera. So two different -- two different
25 09:05:52 implementations.

1 09:27:58 So I was connected.

2 09:27:59 Q. Okay. And you said that's for a short time?

3 09:28:02 A. Every client is different based upon size and

4 09:28:05 the applications that they're going on. Financials are

5 09:28:09 shorter, that extended time. Revenue and applications

6 09:28:13 are much longer just given the nature of the revenue

7 09:28:17 applications because they're going to run items for a

8 09:28:21 year that are still the first time even though they're

9 09:28:24 live. So in a revenue application, go-live support might

10 09:28:28 be a year. I think in financials it might be 2 weeks.

11 09:28:30 But you're connected for a period of time.

12 09:28:32 Q. All right. There is not meant to be a

13 09:28:34 permanent connection; is that correct?

14 09:28:35 A. That's correct.

15 09:28:36 Q. Okay. Okay I think we can go ahead and take a

16 09:28:41 break now.

17 09:28:43 THE VIDEOGRAPHER: The time is 9:28 a.m. We're off

18 09:28:46 the record.

19 09:28:47 (Whereupon a recess was taken.)

20 09:40:00 THE VIDEOGRAPHER: Time is 9:40 a.m. We're back on

21 09:40:06 the record.

22 09:40:07 BY MS. RAY:

23 09:40:09 Q. Mr. Hepburn, we are back after a short break.

24 09:40:11 Are you ready to proceed?

25 09:40:12 A. Yes.

1 09:40:12 Q. Okay. Now, after you finished becoming an
2 09:40:21 implementation person, for lack of a better term, you
3 09:40:23 progressed up through the company, correct?

4 09:40:25 A. Yes.

5 09:40:26 Q. And you are now president of Schools. Am I
6 09:40:30 right?

7 09:40:31 A. Yes.

8 09:40:31 Q. Okay. And you are designated by Tyler
9 09:40:36 Technologies to testify about the job duties of the
10 09:40:42 implementation specialist and consultants that are listed
11 09:40:45 in Exhibit A to our notice, correct?

12 09:40:47 A. Yes.

13 09:40:47 Q. Can you please tell me what the job duties are
14 09:40:54 of those implementation specialists and consultants?

15 09:41:00 MR. McKEEBY: Again, my responses I explained that
16 09:41:03 he could testify generally what the functions associated
17 09:41:05 with implementing were, not necessarily delineate the
18 09:41:11 specific job functions of each and every plaintiff. So I
19 09:41:15 mean, that needs to be part of your question.

20 09:41:17 BY MS. RAY:

21 09:41:18 Q. Yes. Have you done -- let me strike that.
22 09:41:21 Through the course of your discussions with the people
23 09:41:26 that you referred to earlier, like Bruce and Chris and
24 09:41:30 Danelle and Brett, did you ascertain what the job
25 09:41:34 functions are of the implementation specialists or

1 09:41:37 consultants that worked for those particular divisions?

2 09:41:40 A. In general terms, yes.

3 09:41:41 Q. Okay. Can you please tell me what the job

4 09:41:45 duties and functions are of the implementation

5 09:41:47 specialists and consultants as you have understood it?

6 09:41:51 A. The difficulty in answering is it varies

7 09:41:59 greatly across division.

8 09:42:09 Q. Do your best.

9 09:42:11 A. In ERP the organizational structure is a

10 09:42:31 project manager/implementor combination and the

11 09:42:39 implementation duties within ERP are different, say, from

12 09:42:47 Courts and Justice where those -- the organizational

13 09:42:52 structure is different.

14 09:42:55 Q. Okay. How?

15 09:42:58 A. In the ERP organizational structure, the

16 09:43:05 project manager is a product expert. The project manager

17 09:43:15 consults with the client about product features. The

18 09:43:21 product manager is more engaged with the product

19 09:43:34 decisions and implementation approach.

20 09:43:37 Q. How?

21 09:43:37 A. The product managers having the analysis

22 09:43:42 discussions with the client.

23 09:43:48 Q. Okay. So your testimony I'm understanding is

24 09:43:56 that in ERP the product manager has the -- excuse me,

25 09:44:04 I'm sorry. The project manager is the one who does the

1 10:07:45 an expert. At Eden they have always been or historically
2 10:07:50 been what we call a bull-pen approach.

3 10:07:53 Q. Uh-hmm. Okay. And what about INCODE?

4 10:08:06 A. INCODE is a similar approach to Eden. They are
5 10:08:11 a bull-pen approach where the product -- I'm sorry, the
6 10:08:18 project manager is not the product expert.

7 10:08:26 Q. Okay. And so we don't need to go through all
8 10:08:30 of the particular job functions unless you tell me that
9 10:08:34 there is something unique. But is it fair to say that
10 10:08:37 the job duties and functions are -- mirror Eden's, in
11 10:08:44 other words, for the implementation specialists at
12 10:08:46 INCODE?

13 10:08:47 A. The other -- I wouldn't say 100 percent. The
14 10:09:00 INCODE has -- the INCODE team has tax, courts, and public
15 10:09:09 safety products which require specialization that the
16 10:09:16 Eden folks don't have.

17 10:09:21 Q. Okay. What type of specialization? Are we
18 10:09:24 talking product specialization, or are we talking about
19 10:09:27 tax background or something like that?

20 10:09:28 A. Both.

21 10:09:29 Q. Uh-hmm. Okay. And how so? What kind of
22 10:09:35 specialization is required for public safety?

23 10:09:38 A. I'll combine the public safety and the courts.
24 10:09:42 The nature of the implementations is kind of an all --
25 10:09:52 you want all of your applications going live at the same

1 10:09:57 time.

2 10:09:57 MR. McKEEBY: This is at INCODE?

3 10:09:59 THE DEPONENT: At INCODE dealing with -- and when we

4 10:10:03 get to it, Courts, and I can describe more later.

5 10:10:10 A. So that provides a level of, I would say,

6 10:10:21 management, getting all of your applications lined up to

7 10:10:27 go live at the same time where the Eden, the MUNIS, an

8 10:10:31 even INCODE financials can be staggered. You could do

9 10:10:36 financials one day, payroll one day. You could stagger

10 10:10:39 it out. But they have a different burden because you

11 10:10:44 want all of your courts and your public safety up and

12 10:10:49 running at one fell swoop so that when the sheriff pulls

13 10:10:53 someone over and they have an outstanding warrant for

14 10:10:55 them, that sheriff needs to know that or that sheriff

15 10:10:59 could be in trouble. So they have to -- the

16 10:11:02 implementation consultants because they don't have a

17 10:11:04 product -- project manager who is a product expert have

18 10:11:08 that added burden of managing multi-tasking that the Eden

19 10:11:13 folks and MUNIS folks don't have.

20 10:11:15 Q. And so I might understand correctly, because it

21 10:11:18 needs to go live at the same time, it's really a timing

22 10:11:21 issue?

23 10:11:22 A. It's -- it's -- I'd call it a project

24 10:11:25 management juggling issue.

25 10:11:28 Q. Uh-hmm.

1 10:11:29 A. And, remember, the product -- the project
2 10:11:30 manager is not a product expert. They're less -- a less
3 10:11:37 talented staff member than, say, their MUNIS
4 10:11:40 counterparts.

5 10:11:41 Q. I know that that's the term you're giving it,
6 10:11:43 but how is it to you considered a project management
7 10:11:47 issue?

8 10:11:49 A. The project -- can you clarify your question?

9 10:11:56 Q. I'm just going off of your answer. I am sorry,
10 10:11:58 But you said you know you would call it a project
11 10:12:00 management burden, I believe --

12 10:12:00 A. Uh-hmm.

13 10:12:06 Q. -- if I recall your testimony correctly, and
14 10:12:09 I'm just curious as to how it is a project management
15 10:12:13 burden?

16 10:12:13 A. The implementation consultant is leading the
17 10:12:18 project at Eden and at INCODE. They are the product
18 10:12:23 expert. They're engaged with the client, marrying the
19 10:12:29 product and the project, and they're reporting back to
20 10:12:33 someone, the project manager, who is a scheduling master.

21 10:12:37 Q. So is it -- is it your testimony that there are
22 10:12:43 project managers at Eden and INCODE, but their only
23 10:12:49 function is scheduling?

24 10:12:52 A. It would not be my testimony that their only
25 10:12:56 function is scheduling. I would say that they are

1 10:12:58 less -- their job duties and functions are less -- I'm
2 10:13:09 looking for the word. What would come less -- less than
3 10:13:12 their MUNIS counterpart where their MUNIS counterpart is
4 10:13:16 a product expert and the client expects to talk product,
5 10:13:20 with their MUNIS project manager expect to be able to
6 10:13:24 talk configuration, expects to be able to talk about why
7 10:13:28 decisions were made.

8 10:13:29 At Eden and INCODE the project manager is not going
9 10:13:32 to engage in those discussions with the client. They're
10 10:13:34 going to engage in your project is 50 percent complete
11 10:13:41 based upon the number of days we have delivered. That's
12 10:13:43 it. The client is going to have to talk to the
13 10:13:47 implementation staff member at Eden and INCODE to find
14 10:13:51 out where they are relative to their project in terms of
15 10:13:56 knowledge transfer, policies, procedures, to-be model.
16 10:14:00 It's all the implementation consultant's advice and
17 10:14:03 counsel.

18 10:14:03 Q. What are the job duties of the project manager,
19 10:14:06 then, at Eden and INCODE?

20 10:14:07 A. They schedule the bull pen. When I say bull
21 10:14:14 pen, all the implementors go into a calendar, if you
22 10:14:23 will, and the project manager schedules implementors to
23 10:14:28 go to client sites; and then when the implementor goes to
24 10:14:34 the client site, the implementor then runs that project.
25 10:14:36 So the project manager is scheduling, reviewing, again,

1 12:26:53 it into a billing record for client A. Correct?

2 12:26:56 A. The incorrect component of that is the employee

3 12:27:04 may have worked 80 hours this week. What's asked of them

4 12:27:10 is what is billable of that 80 hours. If you were in

5 12:27:14 your room studying 5 hours, that -- that doesn't get --

6 12:27:20 you might tell your project manager, but you're only

7 12:27:23 submitting to accounting what is billable to the client.

8 12:27:28 So we don't know that they worked 80 hours that week.

9 12:27:31 What we know is what was billable. So if you traveled on

10 12:27:34 Monday, traveled on Friday, and you had Tuesday,

11 12:27:37 Wednesday, Thursday were billable, what would come in was

12 12:27:41 3 days billable and what would go out to client is 3 days

13 12:27:44 billable.

14 12:27:44 Q. Correct, correct. Okay. Now, if a person

15 12:27:50 works at home or -- I mean not at home -- at the hotel

16 12:27:54 room after hours on something that is nonbillable,

17 12:27:58 obviously, that would not show up on the billing records,

18 12:28:01 correct?

19 12:28:01 A. That's correct.

20 12:28:01 Q. Okay. Do you know whether or not those show up

21 12:28:05 in any other place other than the time records that the

22 12:28:08 employees turn in?

23 12:28:10 A. I don't think they even show up on the time

24 12:28:12 records that the employee turns in because they're asked

25 12:28:15 to submit billable time.

1 12:28:19 Q. Okay.

2 12:28:19 A. I'm sorry. Vacation, sick time would be --

3 12:28:26 they would -- we would be -- they would be asked to

4 12:28:27 submit that for HR personnel records.

5 12:28:29 Q. And paid time off I think.

6 12:28:32 A. Paid time off.

7 12:28:33 Q. Right.

8 12:28:34 MR. McKEEBY: Well, I think that's -- we have seen

9 12:28:34 that vary from division to division, but that's sort of

10 12:28:38 outside the scope of your --

11 12:28:41 MS. RAY: Yeah, he's not here to testify to that. I

12 12:28:41 understand that.

13 12:28:42 MR. McKEEBY: Okay.

14 12:28:42 A. I would like to add travel time can be included

15 12:28:45 as that reporting because the employee may or may not be

16 12:28:48 eligible for a travel premium incentive. So I would have

17 12:28:52 to list my travel time, my billable time, and my paid

18 12:28:55 time off time.

19 12:28:56 BY MS. RAY:

20 12:28:56 Q. What type of training do the implementation

21 12:29:01 specialists go through when they're hired?

22 12:29:02 A. It varies across the divisions from extremely

23 12:29:08 informal to formal.

24 12:29:11 Q. With MUNIS how would you characterize it?

25 12:29:14 A. MUNIS I would characterize as semi-formal given

1 12:29:17 the size of the division and the ability to have staff
2 12:29:24 members who can help in the training area, but there is
3 12:29:29 no formal job title within the MUNIS division of training
4 12:29:34 coordinator.

5 12:29:34 Q. Do they shadow people for a period of time?
6 12:29:37 What do they do?

7 12:29:38 A. They're typically three components to the
8 12:29:43 training. Shadowing being one of the three components.
9 12:29:46 There's peer-led instruction, self-led instruction, and
10 12:29:53 shadowing.

11 12:29:54 Q. For how long does this --
12 12:29:57 A. At MUNIS --
13 12:29:58 Q. -- go on?
14 12:29:58 A. -- you have 90 days. No longer than 90. You
15 12:30:03 can complete -- you can be ready in less.

16 12:30:05 Q. Okay. What about Eden?
17 12:30:07 A. Eden I would call informal. They have the same
18 12:30:20 three criteria; however, more emphasis on the self and
19 12:30:27 the shadow.

20 12:30:30 Q. And how long?
21 12:30:31 A. They're 60 days with potential to go to 90, but
22 12:30:39 I think they'd like you to be done in 60.

23 12:30:41 Q. Okay. What about INCODE?
24 12:30:42 A. INCODE is, I'd say, semi-formal because they
25 12:30:49 have -- they're unique in that they have a learning

1 12:30:53 management system which they have developed which their
2 12:30:58 clients can pay for as an optional service, but their
3 12:31:02 implementors can utilize as a training aid, which is a
4 12:31:06 nice feature for them, but requires the self-study
5 12:31:11 component to be higher because now I have to take the
6 12:31:14 initiative to put myself through the learning management
7 12:31:17 system.

8 12:31:19 Q. But they still have the same three --

9 12:31:22 A. Yeah, there will be some peer -- when I'm stuck
10 12:31:25 in the learning management system, I'm going to go to
11 12:31:28 someone and have some peer and then the job shadowing --

12 12:31:33 Q. Shadowing?

13 12:31:34 A. -- as well.

14 12:31:34 Q. For how long?

15 12:31:35 A. My memory is fading me. I believe they're like
16 12:31:42 Eden, in the 60 to 90 days.

17 12:31:44 Q. Okay. What about Courts and Justice?

18 12:31:46 A. They have the most formal process where they
19 12:31:50 actually have a job position for training coordinator.
20 12:31:58 They have classes. They have exams. They will not let
21 12:32:03 you out of, quote, your education until you've met
22 12:32:08 certain competencies on your exams; and the timing is
23 12:32:13 6 months because of the specialization that is required
24 12:32:20 for their product.

25 12:32:21 Q. Do they have the shadowing and the --

1 12:32:25 A. Certain --

2 12:32:25 Q. -- other three things we talked about?

3 12:32:27 A. Yes. I would say their peer-led or classroom

4 12:32:31 led is a higher percentage than the other groups, and

5 12:32:36 they were work in the testing and the monitoring of your

6 12:32:40 progress through the 6-month education.

7 12:32:42 Q. And what about Eagle?

8 12:32:43 A. I honestly don't know how -- if the learning

9 12:32:49 management system has been tailored to Eagle. I don't

10 12:32:54 know the answer to that.

11 12:32:55 Q. Do they still have the three levels of training

12 12:32:58 or the three areas of training, I should say?

13 12:33:00 A. I'm 90 percent sure that they follow the peer

14 12:33:06 group, the self-study, and the shadowing. I don't know

15 12:33:09 the percentage weight on what's the most important in

16 12:33:14 their group.

17 12:33:14 Q. Do you know how many days?

18 12:33:15 A. I can't recall. I want to say their tax --

19 12:33:26 their component is much longer than their content

20 12:33:29 manager -- the tax product is much larger and the days to

21 12:33:32 bring on a new hire would be longer than the content

22 12:33:35 management component of what they do.

23 12:33:36 Q. So you don't know how many days?

24 12:33:38 A. Not -- not specifically by group.

25 12:33:40 Q. What about Fundbalance?

1 12:33:41 A. Not really. Again, that product is sort of in
2 12:33:49 maintenance mode. So there's not really a lot of hiring
3 12:33:52 and training per se going on.

4 12:33:54 Q. There may not be now. When there was in the
5 12:33:57 past, or any time after --

6 12:33:59 A. I wouldn't know -- I wouldn't recall from the
7 12:34:02 past --

8 12:34:03 Q. Okay.

9 12:34:04 A. -- what they went through.

10 12:34:05 Q. What about EDP?

11 12:34:06 A. EDP I would say is in the middle. They have a
12 12:34:14 department that conducts training that they do sell back
13 12:34:18 to clients. They have a training coordinator as part of
14 12:34:23 that -- as part of that business unit. They -- that
15 12:34:30 business unit actually trains other Tyler divisions on
16 12:34:35 general items such as Word, Excel. So they have the
17 12:34:40 luxury of that department. I'm drawing a blank on what
18 12:34:47 percentage of time they go through that versus the
19 12:34:49 self-study. All have a self-study component.

20 12:34:52 Q. And all have a shadow component and all --

21 12:34:54 A. All have a shadow component.

22 12:34:56 Q. Okay. Got you. And all have some peer-led
23 12:34:59 component, although some may be more formal than others?

24 12:35:02 A. That's correct.

25 12:35:02 Q. Gotcha. Okay. And how many days on EDP?

1 12:35:04 Q. After, I'm drawing a blank. They have the
2 12:35:13 product lines. They have the financial payroll, and then
3 12:35:16 they have the student. The financial payroll is probably
4 12:35:19 shorter. Maybe 60 days. The student, maybe longer,
5 12:35:23 120 days, but I'm drawing a blank on the specific number
6 12:35:25 of days because of the two different product lines that
7 12:35:29 they had.
8 12:35:30 Q. Okay.
9 12:35:30 MR. McKEEBY: If it's important to you, we could
10 12:35:32 leave blanks in the deposition and get that information
11 12:35:34 if it's available.
12 12:35:35 BY MS. RAY:
13 12:35:35 Q. Okay. I can do that. Now, you're also here to
14 12:35:40 testify about the criteria that was used to evaluate the
15 12:35:43 performance of the implementation specialists; are you
16 12:35:46 not?
17 12:35:46 A. That's correct.
18 12:35:47 Q. What testimony do you anticipate giving at
19 12:35:51 trial or to the judge about that particular area?
20 12:35:55 MR. McKEEBY: Well, I object to the form of the
21 12:35:57 question. You --
22 12:36:01 MS. RAY: Let me ask it better.
23 12:36:03 MR. McKEEBY: Thank you.
24 12:36:04 BY MS. RAY:
25 12:36:04 Q. Do you know what criteria was used to evaluate

1 12:36:11 their performance?

2 12:36:13 A. Based on the discussions I had with the folks

3 12:36:19 in preparation, yes.

4 12:36:20 Q. Okay. And what is your knowledge of that

5 12:36:26 criteria to be?

6 12:36:27 A. Tyler HR has a set of standards, if you will,

7 12:36:36 in terms of written documentation on is the employee

8 12:36:42 accountable, and I'd call it standard review form. The

9 12:36:51 manager -- across the board everyone I talked to said

10 12:36:57 that when they're determining the evaluation criteria,

11 12:37:01 it's based upon feedback from clients and feedback from

12 12:37:05 peers.

13 12:37:07 Q. Okay. So is there one standard review form

14 12:37:12 that's used for all of the implementation specialists?

15 12:37:16 A. There is now. Again, Tyler acquired these

16 12:37:20 organizations, and they may have had --

17 12:37:22 Q. Some of their own?

18 12:37:23 A. -- varying forms. They've evolved to a Tyler

19 12:37:27 standard.

20 12:37:27 Q. Okay. And when did they evolve to the Tyler

21 12:37:31 standard?

22 12:37:31 A. Over the past 4 or 5 years, and it's constantly

23 12:37:38 evolving. I don't want to -- I think that process is

24 12:37:42 never ending. I think that's an iterative process to

25 12:37:46 improve evaluations; but to get everyone consistent

1 12:37:49 started when Tyler went to a, you know, a corporate HR

2 12:37:54 level, which was I think 3 or 4, 5 years ago.

3 12:37:57 Q. Are there specific areas in which the

4 12:38:01 implementation specialists are graded, for lack of a

5 12:38:04 better term?

6 12:38:07 A. Well, I should say implementation specialists

7 12:38:15 and all employees are graded on general terms:

8 12:38:18 Accountability, professionalism, cooperation, timeliness.

9 12:38:28 And then when I talked about client feedback, are they

10 12:38:35 able -- now you're talking about implementation

11 12:38:38 consultants. Are they able to work with the client to

12 12:38:41 achieve our overall objectives, go-live, go-live

13 12:38:44 successfully.

14 12:38:44 Q. Anything within that criteria that gets more

15 12:38:57 specific; in other words, evaluating their -- oh, I don't

16 12:39:01 know. I know promptness is a bad word because that's

17 12:39:06 really a general one, but do you follow what I'm saying?

18 12:39:09 A. The -- I would -- based upon the discussions I

19 12:39:11 had with people, I -- it was very informal, meaning no

20 12:39:17 criteria, no process to follow with the exception of Eden

21 12:39:21 who did, does, utilize client -- client questionnaires to

22 12:39:29 obtain client feedback and some monitoring of

23 12:39:41 implementors at client sites, on-site peer review. They

24 12:39:45 were the most formal. The others were informal.

25 12:39:51 Q. Okay. And when you say informal, the -- you

1 word, is spent for conversion or training or go-live or 12:22:23
2 support? 12:22:28

3 A. Not to that level of detail. Typically the 12:22:30
4 contracts will have modules. General ledger is a module. 12:22:38
5 Payroll is a module. And then the modules have a pool of 12:22:43
6 days associated with them. The general ledger may have 12:22:49
7 10 days. And in the proposal, it lists the 10 days as a 12:22:52
8 pool. It doesn't say of the 10 days how many are 12:23:00
9 allocated to each individual. All the tasks that are 12:23:04
10 assigned to a particular project. So when they get the 12:23:09
11 billing record, it marries up with the proposal. So 12:23:11
12 10 days of general ledger were delivered, and within that 12:23:16
13 10 days, there were all the various functions that went 12:23:20
14 on. So it doesn't specify. 12:23:23

15 Q. So it would say 10 days general ledger, but it 12:23:25
16 wouldn't talk about training or it wouldn't talk about 12:23:30
17 configuration? It would just be we were implementing 12:23:33
18 general ledger basically? 12:23:37

19 A. Yeah. Yes. 12:23:38

20 Q. Okay. Does it show anything else or any other 12:23:39
21 breakdowns as it pertains to time that the implementation 12:23:47
22 specialist would spend working on billable hours? 12:23:52

23 A. Not in -- I'm trying to think. There is a 12:23:59
24 comment -- there is a comments section that may or may 12:24:06
25 not be utilized by whoever is entering the bill into the 12:24:11

1 accounting system. So I've seen records where it will 12:24:14
2 say employee A was on site three days. So they might 12:24:18
3 know who they're being charged for, but the comment is 12:24:23
4 like a line. So general ledger 3 days, accounts payable 12:24:29
5 1 day and maybe the person's name but -- 12:24:35
6 Q. Do they use employee numbers or anything like 12:24:39
7 that? 12:24:41
8 A. Well, internal. I'm thinking the external. 12:24:41
9 You mentioned the client billing records. I've seen in 12:24:47
10 the comments where they tend to put name. It's easier 12:24:49
11 for the client. 12:24:53
12 Q. Okay. 12:24:54
13 A. And that's not a standard every single invoice 12:24:55
14 would have that. It's where they have that information 12:24:58
15 however it was presented to them. 12:25:01
16 Q. Can you look at those billing records and be 12:25:02
17 able to tell how much time an implementation specialist 12:25:05
18 spent on billable hours for any given client, or 12:25:09
19 implementation is probably a better word? 12:25:16
20 A. Well, they're only being charged the billable 12:25:22
21 time. So the billing record is just for what was against 12:25:27
22 the contract and the proposal. 12:25:34
23 Q. I'm aware of that. 12:25:37
24 A. So, again, if I had purchased the general 12:25:37
25 ledger module and purchased a pool of 10 days, I'm 12:25:41

1 drawing down that pool. So the billing record would say 12:25:45
2 you've drawn 2 days against the pool. 12:25:47
3 Q. Okay. 12:25:50
4 A. And you have -- well, it doesn't say you have 12:25:52
5 8 days remaining. 12:25:54
6 Q. Okay. What happens if -- let me just make sure 12:25:55
7 I understand this. The implementation specialist works 12:25:59
8 80 hours a week. I'm just going to pull it out. 12:26:05
9 A. Okay. 12:26:07
10 Q. You know, let's just assume that for purposes 12:26:07
11 of this. Submits their time records to Tyler. My 12:26:09
12 understanding is that Tyler will then take those time 12:26:12
13 records and determine what is billable and then will 12:26:15
14 reduce that into billable hours that are sent to the 12:26:19
15 client. Is that a correct -- 12:26:22
16 A. You said. 12:26:28
17 Q. -- description? 12:26:29
18 A. You said 80 hours for this week? 12:26:29
19 Q. Right. Let's just say this week on an 12:26:31
20 implementation, on client A's implementation. Okay? 12:26:35
21 He's on site for a week -- 12:26:38
22 A. Uh-hmm. 12:26:40
23 Q. -- traveling Sunday through Friday and working 12:26:40
24 a total of 80 hours. Okay. He turns the billing records 12:26:44
25 into Tyler. Tyler then takes that information and puts 12:26:49

1 it into a billing record for client A. Correct? 12:26:53

2 A. The incorrect component of that is the employee 12:26:56

3 may have worked 80 hours this week. What's asked of them 12:27:04

4 is what is billable of that 80 hours. If you were in 12:27:10

5 your room studying 5 hours, that -- that doesn't get -- 12:27:14

6 you might tell your project manager, but you're only 12:27:20

7 submitting to accounting what is billable to the client. 12:27:23

8 So we don't know that they worked 80 hours that week. 12:27:28

9 What we know is what was billable. So if you traveled on 12:27:31

10 Monday, traveled on Friday, and you had Tuesday, 12:27:34

11 Wednesday, Thursday were billable, what would come in was 12:27:37

12 3 days billable and what would go out to client is 3 days 12:27:41

13 billable. 12:27:44

14 Q. Correct, correct. Okay. Now, if a person 12:27:44

15 works at home or -- I mean not at home -- at the hotel 12:27:50

16 room after hours on something that is nonbillable, 12:27:54

17 obviously, that would not show up on the billing records, 12:27:58

18 correct? 12:28:01

19 A. That's correct. 12:28:01

20 Q. Okay. Do you know whether or not those show up 12:28:01

21 in any other place other than the time records that the 12:28:05

22 employees turn in? 12:28:08

23 A. I don't think they even show up on the time 12:28:10

24 records that the employee turns in because they're asked 12:28:12

25 to submit billable time. 12:28:15

1 can correct me if I am wrong. I'm going to make an 12:39:55
2 assumption. But I'm assuming that the supervisor, you 12:39:58
3 know, takes the performance evaluation and goes through 12:40:00
4 and kind of says, yeah, they're good at this, they're, 12:40:03
5 you know, less good at this, they need to improve on 12:40:06
6 this. You know, something along those terms. 12:40:08
7 A. That's correct. I thought the line of 12:40:10
8 questioning was what was the basis for that or where did 12:40:14
9 the data gathering come in, and that data gathering was 12:40:16
10 informal client feedback and informal peer discussion. 12:40:21
11 Q. Okay. And then when it comes to the supervisor 12:40:25
12 doing the form, it's basically supervisor discretion; is 12:40:29
13 that right? 12:40:32
14 A. That's correct. 12:40:32
15 Q. Okay. And that's true across the lines with 12:40:33
16 all of the implementation specialists in terms of the 12:40:40
17 discretion of the supervisor to -- to actually take the 12:40:44
18 information that they've received and put it in a written 12:40:48
19 form in a performance evaluation? 12:40:51
20 A. I would say that's generally accurate. What 12:40:53
21 was in my mind was the supervisor could be a product 12:40:57
22 manager, it could be a line manager, implementation 12:41:00
23 manager. So sometimes it's within an implementation job 12:41:05
24 title. Sometimes it's in a project manager job title. 12:41:07
25 Q. Okay. And those performance evaluations, is 12:41:12

1 there anyone that the project manager, line manager, 12:41:19
2 implementation manager deals with above them in regards 12:41:23
3 to those performance evaluations? Do you understand the 12:41:25
4 question? Let's say they get a bad performance 12:41:29
5 evaluation. Does it go up the chain somehow? Do you 12:41:33
6 follow what I'm saying? 12:41:36
7 A. I -- I can speak to recent, recent being the 12:41:36
8 last 2 or 3 years, process where the policy at Tyler is 12:41:48
9 to perform the evaluation process in the similar time 12:41:57
10 period that salary increases are awarded. During the 12:42:06
11 salary increase process, managers are asked to rank 12:42:13
12 employees into three groups: Outstanding, very 12:42:18
13 competent, less than competent. The designation in the 12:42:23
14 less-than-competent group should have a corresponding 12:42:29
15 evaluation that identifies why and what the measures are 12:42:35
16 to improve the employee standing. 12:42:40
17 Q. Okay. Are you aware of any particular traits 12:42:43
18 that the supervisors are looking for when they're doing 12:42:51
19 performance evaluations on the implementation 12:42:55
20 specialists? 12:42:58
21 A. When I talk about client feedback and peer 12:42:58
22 feedback, the client feedback is very important to us, 12:43:05
23 and the reason I say that with regard to the question of 12:43:14
24 traits, you can be a product expert. You can know the 12:43:17
25 product inside and out, and the client does not want you 12:43:23

1 back on site in a billable capacity; and that's 12:43:26
2 disconcerting to us given you're in a role that's a 12:43:33
3 billable role. If a client does not want you back even 12:43:37
4 though you know the product, you can articulate the 12:43:40
5 product very well, that's because you're missing a trait 12:43:45
6 of being able to deal with human interaction. 12:43:54
7 Q. You can't be a jerk, in other words? 12:43:57
8 A. That's one concise example. 12:43:59
9 Q. I just want to cut to the chase on that one. 12:44:03
10 A. We work in -- we work in the public sector and 12:44:06
11 political environments, and understanding how to navigate 12:44:12
12 that world is a skill that while it can be -- it can be 12:44:16
13 advised, some people excel versus others. So we're 12:44:24
14 looking certainly for product skills, but we're also 12:44:31
15 looking for the ability to convey your product knowledge 12:44:34
16 in an environment where the objective is to obtain a 12:44:41
17 referenceable positive experience for all the client 12:44:46
18 users. 12:44:49
19 Q. Okay. 12:44:50
20 A. That's just one trait, one ability that goes 12:44:53
21 beyond what you would think of just purely 12:45:03
22 black-and-white product knowledge. 12:45:07
23 Q. Okay. I think you said earlier that Tyler has 12:45:07
24 moved to using a standard review form for all of its 12:45:11
25 employees; is that right? 12:45:16

1 you an implementation specialist? 08:49:15

2 A. You're testing my memory. That's a difficult 08:49:22

3 question to answer. When I started, the support 08:49:26

4 specialist and implementation specialist roles were 08:49:29

5 really combined. So I would say 2 years. 08:49:32

6 Q. Okay. Was that before Tyler Technologies 08:49:34

7 purchased the division you were working in or after? 08:49:38

8 A. Before. 08:49:41

9 Q. Before. Was that also MUNIS? 08:49:41

10 A. Yes. 08:49:44

11 Q. And when you became vice-president of services 08:49:48

12 in MUNIS, was that before or after Tyler Technologies 08:49:51

13 purchased your division? 08:49:54

14 A. Did you say vice-president of services? 08:50:01

15 Q. I think I did, and I may have written it down 08:50:04

16 incorrectly and I apologize. 08:50:07

17 A. That's okay. I believe that was after Tyler 08:50:08

18 had acquired us. 08:50:11

19 Q. Okay. Do you recall the date when Tyler 08:50:12

20 acquired MUNIS? 08:50:15

21 A. Not the specific date. On or around 1999, in 08:50:17

22 1999. 08:50:22

23 Q. Right. And that's fine. And when did you 08:50:22

24 become president of Schools? 08:50:26

25 A. January of this year. 08:50:28

1 Q. Okay. Now, I'm going to go back just a little 08:50:31
2 bit. You said -- to the documents that you reviewed, the 08:50:43
3 job descriptions, the evaluations, the time sheets, and 08:50:47
4 the notice. Why did you review those particular 08:50:49
5 documents? 08:50:54
6 A. They were presented by Paulo, and I was asked 08:50:54
7 to review them to prepare for today. 08:51:02
8 Q. Okay. Did you review any documents on your own 08:51:06
9 to help you prepare for this deposition today? 08:51:10
10 A. No. 08:51:13
11 Q. Okay. When you were an implementation 08:51:15
12 specialist and support specialist, how were those two 08:51:27
13 jobs combined? What were the duties of them? 08:51:29
14 A. In a small company, which we were, when I was 08:51:32
15 not answering phones as a support specialist, I would go 08:51:40
16 on site to clients to perform implementation services. 08:51:45
17 Q. Okay. And what were the implementation 08:51:52
18 services you performed? 08:51:54
19 A. It would be a very long list. I'll try to 08:51:55
20 summarize the highlights. 08:52:04
21 Q. Sure. 08:52:05
22 A. Analyze their -- their current business 08:52:06
23 practices, determine any changes to business practices, 08:52:11
24 configure software to adhere to those changing business 08:52:21
25 practices, review configuration with client, receive 08:52:26

1 client acceptance, review conversion files, load 08:52:35
2 conversion files, educate senior staff and user staff on 08:52:48
3 application, assist with go-live transition, assist with 08:53:05
4 post go-live support, and those are very high level. I'm 08:53:10
5 not encompassing all. 08:53:15
6 Q. Would you say those were the primary duties? 08:53:17
7 A. The primary ones I can recall. 08:53:19
8 Q. Okay. And what did you have to do when you 08:53:24
9 were analyzing current business practices of a customer? 08:53:35
10 A. A lot of question and answer, interviewing, 08:53:37
11 why -- learning why they do -- why they do what they do 08:53:46
12 in the order that they do things, what changes they would 08:53:51
13 like to make. In summary, a lot of interviewing. 08:53:55
14 Q. And what is the purpose of that interviewing? 08:53:58
15 I know it's to find out what they're doing, but I 08:54:01
16 understand the surface purpose. But what was the purpose 08:54:04
17 for you as an implementation specialist? 08:54:06
18 A. Primarily to see if there were any business 08:54:12
19 changes that the client would like to undertake. 08:54:14
20 Q. Okay. And what software module were you 08:54:16
21 implementing? 08:54:22
22 A. MUNIS. 08:54:23
23 Q. Okay. And was it -- what particular part of 08:54:23
24 MUNIS? Anything specific? 08:54:28
25 A. All. 08:54:30

1 can correct me if I am wrong. I'm going to make an 12:39:55
2 assumption. But I'm assuming that the supervisor, you 12:39:58
3 know, takes the performance evaluation and goes through 12:40:00
4 and kind of says, yeah, they're good at this, they're, 12:40:03
5 you know, less good at this, they need to improve on 12:40:06
6 this. You know, something along those terms. 12:40:08
7 A. That's correct. I thought the line of 12:40:10
8 questioning was what was the basis for that or where did 12:40:14
9 the data gathering come in, and that data gathering was 12:40:16
10 informal client feedback and informal peer discussion. 12:40:21
11 Q. Okay. And then when it comes to the supervisor 12:40:25
12 doing the form, it's basically supervisor discretion; is 12:40:29
13 that right? 12:40:32
14 A. That's correct. 12:40:32
15 Q. Okay. And that's true across the lines with 12:40:33
16 all of the implementation specialists in terms of the 12:40:40
17 discretion of the supervisor to -- to actually take the 12:40:44
18 information that they've received and put it in a written 12:40:48
19 form in a performance evaluation? 12:40:51
20 A. I would say that's generally accurate. What 12:40:53
21 was in my mind was the supervisor could be a product 12:40:57
22 manager, it could be a line manager, implementation 12:41:00
23 manager. So sometimes it's within an implementation job 12:41:05
24 title. Sometimes it's in a project manager job title. 12:41:07
25 Q. Okay. And those performance evaluations, is 12:41:12

1	there anyone that the project manager, line manager,	12:41:19
2	implementation manager deals with above them in regards	12:41:23
3	to those performance evaluations? Do you understand the	12:41:25
4	question? Let's say they get a bad performance	12:41:29
5	evaluation. Does it go up the chain somehow? Do you	12:41:33
6	follow what I'm saying?	12:41:36
7	A. I -- I can speak to recent, recent being the	12:41:36
8	last 2 or 3 years, process where the policy at Tyler is	12:41:48
9	to perform the evaluation process in the similar time	12:41:57
10	period that salary increases are awarded. During the	12:42:06
11	salary increase process, managers are asked to rank	12:42:13
12	employees into three groups: Outstanding, very	12:42:18
13	competent, less than competent. The designation in the	12:42:23
14	less-than-competent group should have a corresponding	12:42:29
15	evaluation that identifies why and what the measures are	12:42:35
16	to improve the employee standing.	12:42:40
17	Q. Okay. Are you aware of any particular traits	12:42:43
18	that the supervisors are looking for when they're doing	12:42:51
19	performance evaluations on the implementation	12:42:55
20	specialists?	12:42:58
21	A. When I talk about client feedback and peer	12:42:58
22	feedback, the client feedback is very important to us,	12:43:05
23	and the reason I say that with regard to the question of	12:43:14
24	traits, you can be a product expert. You can know the	12:43:17
25	product inside and out, and the client does not want you	12:43:23

1 back on site in a billable capacity; and that's 12:43:26
2 disconcerting to us given you're in a role that's a 12:43:33
3 billable role. If a client does not want you back even 12:43:37
4 though you know the product, you can articulate the 12:43:40
5 product very well, that's because you're missing a trait 12:43:45
6 of being able to deal with human interaction. 12:43:54
7 Q. You can't be a jerk, in other words? 12:43:57
8 A. That's one concise example. 12:43:59
9 Q. I just want to cut to the chase on that one. 12:44:03
10 A. We work in -- we work in the public sector and 12:44:06
11 political environments, and understanding how to navigate 12:44:12
12 that world is a skill that while it can be -- it can be 12:44:16
13 advised, some people excel versus others. So we're 12:44:24
14 looking certainly for product skills, but we're also 12:44:31
15 looking for the ability to convey your product knowledge 12:44:34
16 in an environment where the objective is to obtain a 12:44:41
17 referenceable positive experience for all the client 12:44:46
18 users. 12:44:49
19 Q. Okay. 12:44:50
20 A. That's just one trait, one ability that goes 12:44:53
21 beyond what you would think of just purely 12:45:03
22 black-and-white product knowledge. 12:45:07
23 Q. Okay. I think you said earlier that Tyler has 12:45:07
24 moved to using a standard review form for all of its 12:45:11
25 employees; is that right? 12:45:16

1 A. I stated earlier that when the divisions were 12:45:17
2 acquired, they had a review process; and while very 12:45:22
3 similar, Tyler tries to have in the HR world uniformity. 12:45:26
4 So we all have the same health insurance, we all have the 12:45:33
5 same PTO; and the evaluation process was one of those 12:45:36
6 while similar merged to something that's more uniform 12:45:39
7 across the board. 12:45:45
8 Q. Right. 12:45:46
9 A. So that was the effort that was underway. 12:45:46
10 Q. So in other words, if -- let's say you've got a 12:45:49
11 -- I'm assuming project managers are reviewed, too, by 12:45:53
12 somebody? 12:45:56
13 A. That's correct. 12:45:57
14 Q. So if you're looking at a project manager's 12:45:57
15 performance evaluation or a support person's evaluation 12:46:02
16 and an implementation specialist evaluation, I guess to 12:46:09
17 the janitor I suppose, but there would be specific 12:46:16
18 performance factors that are uniform for all of those 12:46:20
19 jobs? 12:46:24
20 A. If I can describe it -- if you think of a form, 12:46:25
21 and it has the first question being accountability, well, 12:46:30
22 you're going to have a comment and a score and a rating 12:46:35
23 and feedback for the individual employee; and those 12:46:38
24 comments which are coming from their managers are 12:46:42
25 specific to the job that they're in. So while it's a 12:46:45